S.B.CIVIL WRIT PETITION NO.4649/2007

Chattar Singh & Ors.
V.
Satte of Rajasthan & Ors.

Date of Order :: 6th September, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Saneep Mehta, for the petitioners.

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A parole was granted to the petitioner on execution of personal bond of Rs.40,000/- with two sureties of Rs.20,000/- each executed by the petitioners No.2 and 3. After availing parole of 20 days the petitioner did not surrender before the Superintendent, Central Jail, Jodhpur on 12.4.2005, therefore, as per terms of parole his personal bond and surety bonds were ordered to be forfeited. The proceedings for recovery of surety were also initiated. Accordingly, warrant of attachment of property came to be issued against the petitioners for recovery of an amount of Rs.80,000/-. Being aggrieved by the same, this petition for writ is preferred.

The sole contention of counsel for the petitioner is that the petitioner as a matter of fact bonafidely failed to surrender on the date prescribed and subsequent thereto he tried his level best to

report and surrender before the Superintendent, Central Jail, Jodhpur but he was not taken in custody.

I do not find any force in the contention so raised. There is no substantial evidence available on record to prove that the petitioner was interested in surrendering himself voluntarily as early as possible. From the facts stated in petition for writ it reveals that the petitioner was absconding for a period of about seven months. The order of recovery for the amount relating to sureties executed by the petitioners is just and proper and that does not warrant any interference of this Court under Article 226 of the Constitution of India.

Accordingly, the writ petition is dismissed.

(GOVIND MATHUR),J.

Kkm/ps.